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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,406	01/18/2002	Chuck Jennings	390056	9625

7590 06/30/2005

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EXAMINER
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WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/051,406

Applicant(s)

JENNINGS ET AL.

Examiner

Stephan F. Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-22 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/17/04; 7/2/02.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restriction***

1. Applicant's election with traverse of Group I in Paper dated 2/21/05 is acknowledged.
2. The applicant's arguments with regard to the restriction are not persuasive. There is a burden on the examiner when an additional class must be searched for additional matter claimed in a different subclass, thus the restriction is not withdrawn.

***Claim Rejections - 35 USC 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "a consisting of a"" is/are unclear.

***Claim Rejections - 35 USC 102***

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Eytchison with Patent Number 6,363,434.

1. Regarding claim 1-2, 6, 8, 15-16, 20, 22, Eytchison teaches determine a program for the requested media or program, col. 6, lines 55-58. Eytchison teaches creating a presentation with an ID, col. 6, lines 64-67. Eytchison teaches generating a reservation with ID, col. 8, lines 40-42. Eytchison teaches generating a play script with associated Ids and rules, col. 8, lines 45-51. Eytchison teaches forwarding the requested data to a routing processor to the switch, col. 8, lines 32-35. Eytchison teaches validating the reservation and routing the request, col. 9, lines 23-27. Eytchison teaches generating an address for the request and streaming the media upon request or order to the required switches or path routers, col. 7-8, lines 65-7.

2. Regarding claim 3-5, 9-10, Eytchison teaches identifying another program to access the media, col. 8, lines 9-11 or plurality of media references or clips as “necessary resources”, col. 6, line 58. Eytchison teaches processing the request with another rule or resource, col. 8, lines 22-29. Eytchison teaches generating another reservation and configuring or schedules the presentation, col. 7, lines 34-43.

3. Regarding claim 7, Eytchison teaches applying a user profile to a presentation, col. 10, lines 19-20.

4. Regarding claim 11, Eytchison teaches generating a URL as and address on the Web, col. 5, lines 45-47.

5. Regarding claim 12, Eytchison teaches a recorded media reference, col. 8, lines 61-62 or live media as “real time”, col. 5, lines 55-56.

6. Regarding claim 13, Eytchison teaches a player type as “rap”, col. 10, lines 7-8.

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7. Regarding claim 14, Eytchison teaches transmitting an address type for the resource, col. 7-8, lines 65-7.
8. Regarding claim 17, Eytchison teaches tracking program usage, col. 7, lines 45-47.
9. Regarding claim 18, Eytchison teaches tracking number of times a media is streamed as “warranty information” or viewer attribute as “usage”, col. 7, lines 47-50.
10. Regarding claim 19, Eytchison teaches program creation and routing rules, col. 9, lines 27-34.
11. Regarding claim 21, Eytchison teaches components such as storage, col. 5, lines 1-3, acceptable viewers, col. 9, lines 34-38.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Perkes reference with Patent Number US2003/0110503 is suggested. The other references cited teach numerous other ways to create network media presentations thus a close review of them is suggested.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

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3. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

A handwritten signature in cursive script, appearing to read "Steve Willett".

Stephan Willett

Patent Examiner

June 21, 2005